



Corres. and Mail
BOX AF

Docket No.: C10690/0101683

IFW AF
1641

RESPONSE UNDER
37 C.F.R. 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP 1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Berend HOUWEN, *et al.*

Serial No. 09/058,323

Filed: April 9, 1998

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Examiner: Gailene R. Gabel

Art Unit: 1641

For: **PROCESS FOR DISCRIMINATING
AND COUNTING ERYTHROBLASTS**

08/10/2004 HALI11 00000030 09058323

01 FC:1253

530.00 DP

New York, New York

August 5, 2004

**RESPONSE TO ADVISORY ACTION AND
INTERVIEW SUMMARY INCLUDING PETITION
FOR REQUEST FOR ADDITIONAL EXTENTION OF TIME**

Mail Stop AF- Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR EXTENSION OF TIME

Applicants hereby request an additional one month extension of time in which to file an Appeal Brief or take other appropriate action, hereby extending the period for filing from July 22, 2004 to August 22, 2004. The period for response has already been extended by two

months by petition dated June 30, 2004. A check for the additional extension fee of \$530.00 is enclosed. 37 C.F.R. §1.17(b).

If our check is missing or otherwise insufficient, or if any additional fees are required, the Commissioner is authorized to charge (or credit any overpayment) to Deposit Account No. 02-4467. **A duplicate copy of this paper is enclosed.**

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This response is presented at the request of Supervisory Examiner Long Le, made during a telephone interview between undersigned counsel, Examiner Gabel, and Supervisory Examiner Le, on July 28, 2004. During the interview, Applicant, through its undersigned counsel, presented arguments and observations demonstrating the patentability of Claim 1, and therefore all other claims dependent upon claim 1, over the asserted combination of cited patents. In this, Applicant demonstrated the lack of teaching, suggestion, or disclosure present in the cited patents supporting their combination to render Claim 1 obvious under Section 103(a). In the interview, Examiner Le pronounced Applicant's position "persuasive" and requested Applicant submit this response.

Applicant filed its Notice of Appeal in this matter on March 19, 2004, said Notice having been received by the Patent Office on March 22, 2004. A petition for a three-month extension of time to respond, extending the time to file an appeal brief or otherwise make an appropriate filing, to August 22, 2004 is respectfully requested, for which the requisite fee is provided herewith.